

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

THOMAS JEFFRIES,)	Case No.: 1:23-cv-0955 JLT GSA
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS AND GRANTING
v.)	PLAINTIFF'S MOTION FOR ATTORNEY'S FEES
)	PURSUANT TO THE EQUAL ACCESS TO
MARTIN O'MALLEY,)	JUSTICE ACT
Commissioner of Social Security ¹ ,)	
)	(Docs. 22, 25)
Defendant.)	
)	

Thomas Jeffries seeks an award of attorney's fees in the amount of \$6,603.61 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). (Doc. 22.) The magistrate judge found Plaintiff was a prevailing. (Doc. 25 at 3.) The magistrate judge also observed the Commissioner did not argue the position on appeal was justified, because the Commissioner did not oppose the fee request. (*See id.*) Thus, the magistrate judge found Plaintiff was entitled to a fee award. (*Id.*) The magistrate judge determined the fees requested were reasonable, and recommended the motion be granted. (*Id.* at 4-5.)

The Court served the Findings and Recommendations on all parties and notified them that any objections were due within 14 days. (Doc. 25 at 5.) The Court advised the parties that "failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014), *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).)

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley is substituted as the defendant in this suit.

Neither party filed objections, and the time to do so has passed.

According to 28 U.S.C. § 636 (b)(1), this Court performed a *de novo* review of the case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations dated May 17, 2024 (Doc. 25) are **ADOPTED** in full.
2. Plaintiff's motion for attorneys' fees (Doc. 22) is **GRANTED**.
3. Plaintiff is **AWARDED** fees in the amount of **\$6,603.61** pursuant to the EAJA.
4. If the Department of the Treasury determines that Plaintiff does not owe a federal debt, the Government **SHALL** issue the fee award directly to Plaintiff's Counsel, Jonathan O. Pena, pursuant to the Assignment Agreement executed by Plaintiff and his counsel.

IT IS SO ORDERED.

Dated: **June 4, 2024**


UNITED STATES DISTRICT JUDGE